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Attorney for **Vivian Matsuno**

**FILED**

DISTRICT COURT OF GUAM

FEB 23 2005 *hba*

**MARY L.M. MORAN**  
**CLERK OF COURT**

(21)

**IN THE DISTRICT COURT OF GUAM**

**TERRITORY OF GUAM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VIVIAN MATSUNO,

Defendant.

CRIMINAL CASE NO. CR05-0009

**DEFENDANT VIVIAN MATSUNO**

**PROPOSED JURY INSTRUCTIONS**

Defendant Vivian Matsuno respectfully submit her proposed jury instructions.

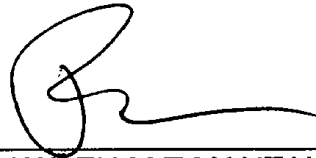
Defendant Matsuno instructions are from the Model Jury Instructions for the Ninth Circuit 2000 and the 2001 supplemental.

1. 3.1 – Duties of Jury to Find Facts and Follow Law
2. 3.2 – Charge Against Defendant Not Evidence—Presumption of Innocence—Burden of Proof
3. 3.3 – Defendant's Decision Not to Testify
4. 3.4 – Defendant's Decision to Testify
5. 3.5 – Reasonable Doubt--Defined
6. 3.6 – What is Evidence
7. 3.7 – What is Not Evidence

1 8. 3.8 – Direct and Circumstantial Evidence  
2 9. 3.9 – Credibility of Witnesses  
3 10.3.10 – Evidence of Other Acts of Defendant or Acts and Statements of Others  
4 11.3.11 – Activities Not Charged  
5 12.3.12 – Separate Consideration of Multiple Counts – Single Defendant  
6 13.3.14 – Separate Consideration of Multiple Counts – Multiple Defendants  
7 14.3.17 – Intent to Defraud -- Defined  
8 15..4.1 – Statements by Defendant  
9 16.4.3 – Other Crimes, Wrongs or Acts of Defendant  
10 17.4.7 – Character of Witness for Truthfulness  
11 18.4.8 – Impeachment Evidence – Witness  
12 19..5.4 – Specific Intent – General Intent  
13 20.5.5 – Willingly  
14 21.5.6 – Knowingly  
15 22.7.1 – Duty to Deliberate  
16 23.7.2 – Consideration of Evidence  
17 24.7.3 – Use of Notes  
18 25.7.4 – Jury Consideration of Punishment  
19 26.7.5 – Verdict Form  
20 27.7.6 – Communication with Court  
21 28.8.16 – Conspiracy Elements  
22 29.8.67 – False Statement to a Bank  
23 30.8.103 – Wire Fraud  
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25

4 Dated this 22<sup>ND</sup> day of February, 2005.  
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6 MANTANONA LAW OFFICE  
7 Attorney for **Defendant Matsuno**  
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CERTIFICATE OF SERVICE

I, Rawlen Mantanona, certify that on the 3<sup>RD</sup> day of February, 2005, I caused the foregoing Proposed Jury Instructions of Defendant Vivian Matsuno to be served via hand delivery to the following individuals:

Office of the United States Attorney  
108 Hernan Cortes Avenue  
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Cunliffe, F. Randall  
Cunliffe & Cook, P.C.  
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Rawlen Mantanona